

**Enrolled Minutes of the Forty-Second Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, September 28, 2009**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 28, 2009 at 6:30 p.m. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Brian Novak, and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to illness. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the ordinance amending the accounts payable vouchers advance allowance policy, (Proposed Ordinance No. 1435).
3. The Town Council discussed the status of the disposal of the houses recently acquired by the Town at 3315 and 3309 Ridge Road.

The study session ended at 7:00 p.m.

Regular Meeting. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 28, 2009 at 7:02 p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council Acting President Brian Novak presided. The session was opened with Councilor Bernie Zemen leading the pledge of allegiance to the United States Flag and offering the opening prayer.

Roll Call: Councilors Bernie Zemen, Mark Herak, Brian Novak, and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to illness. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officers Present: Rhett L. Tauber, Town Council Attorney; George Georgeff, Metropolitan Police Department; William R. Timmer, CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Cecile Petro, Redevelopment Director; and Cynthia Singleton, Clerk-Treasurer Intern were present.

Also Present: Laurel Roach and Karen Ziants of the Community Events Commission and Mark Roorda of the Town Board of Metropolitan Police Commissioners were also present.

Minutes of the Previous Session

The minutes of the regular meeting of September 14, 2009 were approved by general consent.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1435:** An Ordinance to Amend Highland Municipal Code Subchapter *Payment of Claims*, pursuant TO I.C. 5-11-10-1.6, I.C. 36-1-3 et seq., IC 36-5-4-12 and other relevant Statutes, repealing all prior Ordinances in Conflict. *The purpose of*

this amendment is to update current provisions and to allow payments in advance of board allowance for real estate in limited circumstances.

Councilor Kuiper introduced and moved the consideration of Ordinance No. 1435 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Herak moved the passage and adoption of Ordinance No. 1435 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1435
OF THE
TOWN OF HIGHLAND, INDIANA**

An Ordinance Amending THE Highland Municipal Code Subchapter Payment of Claims, pursuant TO I.C. 5-11-10-1.6, I.C. 36-1-3 et seq., IC 36-5-4-12 AND other relevant Statutes, repealing all prior Ordinances in Conflict.

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, I.C. 36-1-3-4(b) further provides that a unit has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even through not granted by statute;

WHEREAS, Federal and State laws obligate the employer to remit employee withholding funds by certain dates which may be prior to the date for formal approval and allowance of claims by the proper board having jurisdiction over such claim;

WHEREAS, Employee withholding funds are withheld from the gross pay of the employee for distribution to taxing authorities and other persons as directed by the employee;

WHEREAS, From time to time, the Town Council finds that payments from appropriated funds must be made as an emergency or exigent matter prior to formal approval of claims by the Town Council or the board of proper jurisdiction in order to insure the normal performance of municipal business;

WHEREAS, From time to time, the Town Council as well as other boards and commissions have accepted a bid, awarded a contract, or made a purchase, and payment from appropriated funds must be made prior to formal approval of claims by the Council or the board of proper jurisdiction in order to acquire the product or service;and

WHEREAS, I.C. 5-11-10-1.6 and IC 36-5-4-12 sets forth the procedures to be used to permit payment of duly filed accounts payable vouchers or bills and in some cases to permit payment in advance of board allowance provided that such payments are for lawful town purposes; and

WHEREAS, The Town Council has been reliably advised that passage and adoption of Ordinances No. 1182,1202, and 1208 ordinances dealing with the advance payment provisions of the municipal code, require revision and modification to further perfect the advance payment policy in support of the operation of the Town; and

WHEREAS, The Town of Highland, by its Town Council, now desires to further perfect its Subchapter on the payment of claims and make those reconciliations necessary to more perfectly express the intent of the legislative body, through the amendment of the Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 That the Subchapter styled as Claims Payments in Title III of the Highland Municipal Code, be amended by repealing it in its entirety, and replacing it with the following Subchapter to be now named Accounts Payable Payments in Advance of Formal Allowance and to be numbered section § 31.40 as indicated and which shall read as follows:

ACCOUNTS PAYABLE PAYMENTS IN ADVANCE OF FORMAL ALLOWANCE

§ 31.40 AUTHORIZED PAYMENTS BY THE TOWN CLERK-TREASURER.

(A) Authorized expenses. The Town Council approves and authorizes payments to be made by the Clerk-Treasurer in advance of formal Town Council allowance for the following types of expenses:

- (1) Property or services purchased or leased from:
 - (a) The United States government; or
 - (b) An agency or political subdivision of the United States Government; or
 - (c) The Government of the State of Indiana; or
 - (d) An agency or department or branch of the Government of the State of Indiana, including a body politic and corporate of the State.
- (2) License fees or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) Federal grant programs if:
 - (a) Advance funding is not prohibited; or
 - (b) The contracting party provides sufficient security for the amount advanced.
- (6) Grants of state funds authorized by statute;
- (7) Maintenance agreements or service agreements;
- (8) Lease agreements or rental agreements;
- (9) Principal and interest payments on bonds;
- (10) Payroll;
- (11) State, federal, or county taxes;
- (12) The following additional expenses outlined in this section:
 - (a) Expenses incurred and identified by the Community Events Commission;
 - (b) Refunds, which are in consequence of an unelective cancellation of a class or program by the Parks and Recreation Department;
 - (c) Vendor payments in support of recreation, or special events programs.
 - (d) Payments from the Traffic Violation Agency Fund;
 - (e) Payment of the funeral benefits outlined in IC 36-8-6-9.8(4) to heirs or estates of deceased retired members of the Metropolitan Police Department;
 - (f) Payments to such vendors or service providers, public or private, which have provided services or goods to the municipality and for

which a delay of payment incurs penalties or other late payment charges provide the following:

- (i) The delay in payment was not reasonably preventable in the ordinary course of work; and
 - (ii) The Town Council President and the Clerk-Treasurer concur in permitting the advance payment; and
 - (iii) This subdivision may be adopted by any governing board of the Town but may not be modified to omit the officers listed in (d)(ii).
- (g) Payments made from the Information and Communications Technology Fund provided such payments are lawful and made according to the purposes and guidelines of the fund.
- (h) **Payments for the purchase of real estate provided that the purchase has been duly authorized and approved by action of the proper council, board or commission, the purchase price has been approved by action of the proper council, board or commission, and the purchase was executed in compliance with IC 33-24, IC 36-1-10.5, IC 36-7, IC 36-9 and IC 36-10 and other relevant laws.**

(B) Voucher required. Each payment of expenses outlined in division (A) must be supported by a fully itemized accounts payable voucher.

(C) **Other boards and commissions authorized.** ~~With the prior written approval of the~~
Unless the board having jurisdiction over allowance of the accounts payable voucher **elects otherwise**, the Town Fiscal Officer may make payments in advance of formal allowance by the board having jurisdiction, for those expenses outlined in division (A) of this section, subject to the terms of this code.

(D) Timely review. The Town Council as town legislative body or the board having jurisdiction over allowance of the accounts payable voucher shall review and allow the payment at the body's or board's next regular or special meeting following the pre-approved payment of the expense.

Section 2. Repeal of Conflicting Ordinances. That the provisions of all other ordinances in conflict with the provisions hereof are of no further force or effect and are hereby repealed;

Section 3. Duration and Effective Date That the provisions set forth in this ordinance shall become and remain in full force and effect from and after its passage and adoption, and until its repeal or subsequent amendment by proper ordinance, following the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 28th day of September 2009. Consideration on same day or at same meeting of introduction experienced a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th Day of September 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

2. **Proposed Enactment No. 2009-47:** An Enactment Authorizing and Approving a wellness initiative for the municipal workforce supporting flu vaccinations for full-time workers, firefighters, to be paid at the expense of the municipality as employer, pursuant to I.C. 5-10 et seq; and IC 36-1-3.

Councilor Herak introduced and moved the consideration of Enactment No. 2009-47 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be acted upon.

Councilor Herak moved the passage and adoption of Enactment No. 2009-47 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-third vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was adopted.

TOWN OF HIGHLAND
ENACTMENT (ORDINANCE)
ENACTMENT NO. 2009-47

AN ENACTMENT AUTHORIZING AND APPROVING A WELLNESS INITIATIVE FOR THE MUNICIPAL WORKFORCE SUPPORTING FLU VACCINATIONS FOR FULL-TIME WORKERS, FIREFIGHTERS, TO BE PAID AT THE EXPENSE OF THE MUNICIPALITY AS EMPLOYER, PURSUANT TO I.C. 5-10 ET SEQ; AND IC 36-1-3.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Title 5, Article 10, Chapters 2.2 and 2.6 enables a public employer to provide programs of group health insurance by purchasing policies of group insurance or establishing self-insurance programs.

WHEREAS, Title 36, Article 1, Chapters 3 provides that a unit of local government unit has all powers granted it by statute and all other powers *necessary or desirable* in the conduct of its affairs, even though not granted by statute;

WHEREAS, Title 36, Article 1, Chapters 3 further provides that a unit of local government desiring to exercise powers under IC 36-1-3, must adopt an ordinance prescribing a specific manner for exercising the power;

WHEREAS, The Town Council of the Town of Highland, has been advised of the desirability of establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses; and,

WHEREAS, The Town Council of the Town of Highland, has determined that establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses to be a desirable action that will promote worker wellness and well being and reduce absenteeism due to flu related illness,

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That a wellness initiative authorizing flu shot vaccinations to be paid from public funds as a employer provided benefit is hereby approved and authorized for the following identified groups:

- (A) Full-time members of the municipal workforce and the Clerk-Treasurer;
- (B) Member firefighters of the Highland Fire Department;
- (C) Spouses of full-time members of the municipal workforce, the Clerk-Treasurer and member firefighters of the Highland Fire Department;

Section 2. That this authorization is effective from October 1, 2009, continuing until its expiration on December 31, 2009 and shall be construed as an elective group benefit and not an entitlement;

Section 3. That this benefit is subject to sufficiency of appropriations available for expenditure pursuant to I.C. 6-1.1-18 and shall not exceed the amount of **\$1,488**;

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 28th Day of September 2009. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 28th Day of September 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

3. **Works Board Order No. 2009-32:** An Order of the Works Board Authorizing, and Approving the Payment of Elective HONORARIA OR Stipends to the Several Bands and other Special GROUPS in Recognition and in Goodwill for their Appearance and public Performance in the Annual Highland Independence Day Twilight Parade.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-32. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Order was adopted.

THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2009-32

AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the SEVERAL BANDS AND OTHER SPECIAL GROUPS in Recognition and in Goodwill for their APPEARANCE AND PUBLIC PERFORMANCE IN THE ANNUAL HIGHLAND INDEPENDENCE DAY TWILIGHT PARADE.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

Whereas, The Highland Community Events Commission, did organize and marshal the annual Independence Day Parade; and

Whereas, The Highland Community Events Commission did invite several middle school and high school marching bands as well as other special groups to participate in the parade;

Whereas, The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to some of the participating marching bands as well as other special groups;

Whereas, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

Whereas, The Town Council has been reliably advised that the bands as well as other special groups perform as volunteers without remuneration, but do expend time, labor and creative process to support the Town of Highland's public parade and patriotic demonstration; and,

Whereas, Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Special Event Advisory Committee,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1 That the following bands and special groups which participated in the most recent **Independence Day Twilight Parade**, be paid an elective honorarium, in appreciation and recognition of their participation, as follows:

(A)	Oak Shriners	\$300.00
(B)	Band of Brothers	\$300.00
(C)	Highland High School Band	\$300.00;

Section 2. That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §33.03 of the Highland Municipal Code which reads as follows:

§ 33.03 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.

Section 3. That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

Section 4 That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the benefit of each of the several bands as well as special groups which participated in the most recent **Independence Day Twilight Parade**, as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein named, and to take such other measures to carry-out the purposes and objects of this order.

Section 5. That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16

Be it so ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of September 2009 having passed by a vote of 4 in favor and 0 opposed.

4. **Resolution No. 2009-48:** A Resolution Authorizing a Temporary Interfund loan from the Parks Non-reverting Capital Fund to the Parks and Recreation General Fund, all pursuant to IC 36-1-8-4. *Owing to delay of property tax distributions, a temporary loan in the amount of \$96,000 is desirable for cash flow purposes to be repaid by 31 December 2009.*

Councilor Herak moved the passage and adoption of Resolution No. 2009-48. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Resolution was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2009-49**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Parks and Recreation General Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy Day Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of **\$96,000.00** be borrowed for the **Parks and Recreation General Fund** with the amount of **\$96,000.00** to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of **\$96,000.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Parks and Recreation General Fund** with such loan to be repaid no later than December 31, 2009, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 28th day September 2009. Having been passed by a vote of 4 in favor and 0 opposed.

5. **Authorization for a special Study Session of the Town Council and the Town Board of Metropolitan Police Commissioners, for Wednesday, September 30, 2009,** pursuant to Section § 30.27 (E) of municipal code. The purpose of the meeting will be to consider the possible construction of a new Public Safety/Police Facility and such other matters as may deemed desirable.

Councilor Zemen moved that a special study session of the Town Council and the Town Board of Metropolitan Police Commissioners be convened for Wednesday, September 30, 2009 at 6:30 p.m. for the purpose of considering the possible construction of a new public safety/police facility and such other matters as may be deemed desirable, pursuant to Section § 30.27 (E) of the Municipal Code. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The special meeting was authorized.

6. **Resolution No. 2009-49:** A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of

Highland for the Utilization of School Resource Officer Program Services. *This matter may not be ready for the Town Council's Action. Peter Hohnick is consulting with the School Town about renewing this agreement.*

Councilor Zemen moved the passage and adoption of Resolution No. 2009-49. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Resolution was adopted.

**TOWN OF HIGHLAND
TOWN COUNCIL RESOLUTION No. 2009-49**

A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services

WHEREAS, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually utilize services for the mutual benefit of each other; and

WHEREAS, The Incorporated Town of Highland and the School Town of Highland, Lake County, Indiana are municipal corporations empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract with each other on a basis of mutual advantage so as to better provide public services and facilities at a shared cost; and

WHEREAS, The Incorporated Town of Highland and the School Town of Highland desire to enter into a joint agreement pursuant to IC 36-1-7-1, et seq., to provide for the ability and flexibility to obtain for the Highland Students certain gang resistance training, a heightened law enforcement presence in the local public schools as well as other related services for the mutual benefit of the participating entities, and at a shared cost;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Highland, Lake County as follows:

Section 1. A joint agreement, a copy of which is attached and incorporated herein by reference, among and between the Incorporated Town of Highland and the School Town of Highland entered into by the Town of Highland by and through its Town Council, is hereby authorized and approved in each and every respect.

Section 2. The purpose of this agreement is to authorize and allow the Town Council of the Town of Highland and the School Board of Trustees to act as a joint board of the two participating entities to mutually support and utilize certain specified services associated with the School Resource Officer Program for the mutual benefit of the participating entities at shared costs.

Section 3. The Clerk-Treasurer of the Town of Highland is hereby authorized to execute the duties related to the payment, collection and accounting for all moneys of this joint undertaking, pursuant to the terms of this agreement, in a manner that is mutually acceptable with the duly constituted and acting fiscal officer of the School Town of Highland.

Section 4. The governing boards of the participating entities may be convened as a joint board, or may act as a joint board at separate meetings of the respective governing bodies of the participating entities in which the entities concur.

Section 5. The governing boards of the participating entities may create a committee comprised of representatives from both participating entities or may designate a single individual from each of the participating entities, which may perform such administrative ministerial duties as the joint board may direct and the agreement may provide.

Section 6. The President of the Highland Town Council and the Clerk-Treasurer are hereby authorized to execute the joint Interlocal Governmental Agreement with their signatures and any additional documents in order to implement the agreement.

Section 7. This agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2.

Section 8. That upon its approval, this agreement repeals the agreements governing the school resource officer program, the first adopted January 17, 1997 and its succeeding agreements.

Section 9. That before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 28th day of September 2009. Having been passed by a vote of 4 in favor and 0 opposed.

INTERGOVERNMENTAL AGREEMENT

This Interlocal Governmental Agreement made and entered into in accordance with I.C. 36-1-7 by and between the TOWN OF HIGHLAND (hereinafter called "Town") and the SCHOOL TOWN OF HIGHLAND (hereinafter called "School Town"), both municipal corporations organized and operating under the laws of the State of Indiana.

WITNESSETH THAT:

WHEREAS, the Town desires to provide a Town of Highland Police Officer to the School Town to serve in the capacity as School Resource Officer to instruct both the G.R.E.A.T. curriculum and the Officer Friendly program, and to perform other related duties.

THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Town agrees to provide to the School Town the service of one (1) Highland police officer to serve as a School Resource Officer. The purpose of the School Resource Officer will be to minimize the potential for hate crimes/bullying, alcohol and drug-related use, gang-related activities, and disruption and/or criminal behavior in and around schools, such as theft, vandalism, truancy, etc. in the most effective and efficient manner possible. Said officer, who shall remain an employee of the Town, shall provide services as presented in a School Resource Officer Job Description, a copy of which is on file with the Town and the School Town. Said job description may be amended from time to time by a written amendment to this Agreement signed by representatives of both parties.

2. In consideration of the same, the School Town agrees to pay for said services in accordance with the terms of this Agreement **in the amount identified in the attached exhibit for a period of 180 days** during the 2009/2010 school year. The basis for said compensation to the Town is presented as an exhibit to this agreement incorporated herein by reference. The School Town's compensation shall be paid in two (2) equal installments, as follows:

- (A) the first being due on or before December 31, 2009;
- (B) the second payment being due on or before June 30, 2010.

3. The Clerk-Treasurer of the Town shall be authorized to execute the duties of receiving payments from the School Town as described in paragraph two (2) and of disbursing and accounting for all such monies in a manner consistent with the terms of this Agreement.

4. The School Resource Officer will be assigned on a full-time basis to the School Town the equivalent of up to one hundred eighty (180) days during the school year. The School Town will only be financially responsible for the equivalent number of days actually worked by the School Resource Officer.

5. The School Resource Officer will wear clothing that will easily identify him or her as a police officer.

6. The School Resource Officer will not take personal time off when school is in session. If sick, he must notify the receptionist at the School Town Administration Center. A substitute may be assigned subject to mutual approval of the Police Chief and the School Superintendent.

7. Lunch must be eaten in a School Town cafeteria unless prior arrangements have been made with the Superintendent/designee.

8. The Town will assume all costs and responsibility of initial and ongoing training associated with the School Resource Officer position. Any vehicle or additional equipment or expenses necessary for the program shall be paid for by the Town.

9. The Town shall be responsible for selecting the police officer to serve as the School Resource Officer, subject to the consent and approval of the School Town. The School Town has final authority on the content of all instructional materials used by the School Resource Officer.

10. The administration of the terms of this Agreement shall supersede any previous Agreement and shall be accomplished through the Superintendent of the School Town or designee and the Chief of Police or designee.

11. Any other provision of this Agreement to the contrary notwithstanding this Agreement may be changed or modified only with the written consent of both parties.

12. All notices or communications provided herein shall be in writing and delivered either in person or via certified or registered United States mail, return receipt requested, and with the proper postage prepaid, addressed to the party for whom such notice or communication is intended.

13. Should any part, term, or provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining portion or provisions shall not be affected thereby.

14. No failure or delay in performance of the executed service Agreement by either party shall be deemed to be a breach when such failure or delay is occasioned by or due to any Act of God, strike, lockout, war, riot, epidemic, explosion, sabotage, the binding order of any court or governmental authority, or any other cause, whether of the kind enumerated above or otherwise, not within the control of the party claiming suspension, actually provided that no cause or contingency shall relieve the School Town of its obligation. to make payment for the services of the School Resource Officer programs actually provided by the Town.

IN WITNESS WHEREOF, the chief executive officers of the parties hereto, acting under the authority of their respective governing bodies, have caused this contract to be executed in three (3) counterparts, each of which shall constitute an original on the dates indicated below their names.

TOWN OF HIGHLAND

By: _____
Dan Vassar, President

Date: _____

Attest:

Michael W.Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

SCHOOL TOWN OF HIGHLAND

By: _____
Luanne Jurczak, President

Date: _____

Attest:

Lawrence Vassar, Secretary

**Highland School Resource Officer
Assumed 2009/2010 Payroll Cost**

Salary	2009	2010
Assigned officer's Sergeant base Salary	\$ 59,148.36	\$ 56,957.68
Assigned officer's longevity	\$ 1,252.80	\$ 1,206.40
One Time Pay Premium	\$ 1,600.00	
Subtotal:	\$ 62,001.16	\$ 58,164.08
Benefits		
Medical Insurance (Family coverage)	\$ 15,920.04	\$ 16,875.24 *
Dental Insurance	993.84	993.84
Life Insurance (.215 per \$1000 of gross payroll up to \$50K plus \$1 per mo. For dep. Coverage)	\$ 141.00	\$ 141.00
Medicare	\$ 899.02	\$ 843.38
Employer Contribution to PERF	\$ 10,603.71	\$ 10,210.98
Workers Compensation Insurance (1.23/\$100 salary)	\$ 886.62	\$ 831.75
Law Enforcement Liability Insurance (\$11,683/41 officers)	\$ 284.95	\$ 284.95
Subtotal Benefits:	\$ 29,729.17	\$ 30,181.14
Grand Total:	\$ 91,730.33	\$ 88,345.22
Town Share 185/365 days = 51%	\$ 46,782.47	\$ 45,056.06
School Share 180/365 days = 49%	\$ 44,947.86	\$ 43,289.16

* Assumes a 6% increase

School Compensation for 2009-2010 School Year:

2009 Days Students are in School = 82.5

Daily rate: (\$91,730.33/260 = \$352.81)

2010 Days Students are in School = 97.5

Daily rate: (\$87,903.45/260 = \$338.09)

\$ 352.81 \$ 339.79

Semester 1: \$ 29,106.74

Semester 2: \$ 33,129.46

School Total: \$ 62,236.20

1st Installment Due December 31, 2009: \$ 31,118.10

2nd Installment Due June 30, 2010: \$ 31,118.10

**Comments from the Town Council Members
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison • Plan Commission member • Lake County Solid Waste Management District Board of Directors • President's designee to Select Centennial Commission.*

Councilor Zemen commended the Police Department for the presence and the special details that were present during the recent visitation and funeral of Officer Kelly A. Hayes.

Councilor Zemen acknowledged the Redevelopment Director who offered a brief report on the activities of the Complete Count Committee for the 2010 Census, including the promotion of a speaker's bureau to promote participation. She also distributed Census hats and shirts to the Town Councilors.

- **Councilor Mark Herak:** • *Advisory Board of Zoning Appeals, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak reported that the Gazebo at Main Square Park had been repainted with a different color than that used just after it was constructed.

Councilor Herak also expressed congratulations to Barbara Knight, on her retirement, slated for Friday, from 31 years of service as a Secretary in the Building and Inspection Department.

- **Councilor Konnie Kuiper:** • *Fire Department Liaison • Parks and Recreation board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper commented favorably on Fire Week annual open house for Saturday, October 3, 2009 at the Main Fire Station, 2901 Highway Avenue from 10:00 a.m. to 2:00 p.m.

Councilor Kuiper also commended the Police Department for the presence and the special details that were present during the recent visitation and funeral of Officer Kelly A. Hayes.

- **Councilor Brian Novak:** • *Town Board of Metropolitan Police Commissioners, Liaison • Traffic Safety Commission Member • Chamber of Commerce Co-Liaison.*

Acting President Novak also commended the Police Department for the presence and the special details that were present during the recent visitation and funeral of Officer Kelly A. Hayes.

Acting President Novak also noted that the groundbreaking scheduled for Tuesday, September 29 at 9:00 a.m., for the last phase on the Little Calumet River Basin Development flood Control Project.

Comments from the Public or Visitors.

1. Rick Volbrecht, 9221 Parkway Drive, Highland, inquired about the recently adopted School resource Agreement seeking clarification about the basis for the School Town's share for supporting the School Resource Officer.

Mr. Volbrecht also inquired whether or not the issues related to flood control had been fully addressed. Mr. Volbrecht expressed his reservation about moving forward on any

project to construct a public safety facility until the issues with the sanitary and storm sewers were addressed.

2. Oscar Anderson, TWS Printing, 8721 Kennedy Avenue, Highland, inquired about a recent enforcement involving his desire to display a lighted sign in his window associated with his printing business, TWS Printing, and instruction by a code enforcement directing him to cease displaying the sign. Mr. Anderson inquired expressing his belief that other businesses had similar signs and he was unaware of any enforcement regarding those.
3. James Kennedy, of Storm Damage Specialists, indicated that his company was working in the community, and he was seeking clarification and some relief from the ordinances that required him to license his employees as they solicited in Town. Mr. Kennedy stated that his company assisted residents with their insurance claims related to storm damage.

Payment of Accounts Payable Vouchers. There being no further public or visitor comment, Councilor Zemen moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period of September 15, 2009 through September 28, 2009. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion was passed. The accounts payable vouchers were allowed and the Clerk-Treasurer was authorized to make payment.

General Fund, \$243,273.88; Motor Vehicle Highway (MVH) Fund, \$16,407.90; Local Road and Street (LR & S) Fund, \$5,070.28; Law Enforcement Continuing Education Fund, \$295.96; Information and Communications Technology Fund, \$5,965.29; Civil Donation Fund, \$41.50; Police Pension Fund, \$58,252.55; Safe Neighborhood Fund, \$11,756.22; Municipal Cumulative Street Fund, \$4,994.00; Corporation Capital Fund, \$1,875.80; Total: \$347,933.38.

Adjournment. Councilor Kuiper moved that the regular meeting be adjourned. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The regular meeting of the Town Council of Monday, September 28, 2009 was adjourned at 7:43 p.m.

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, September 28, 2009 at 7:44 p.m. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Konnie Kuiper, and Brian Novak were present. Councilor Vassar was absent owing to illness. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also Present: George Georgeff, Metropolitan Police Department; and Cynthia Singleton, Clerk-Treasurer Intern.

General Substance of Matters Discussed.

1. The Clerk-Treasurer briefed the Town Council on the initiative of the Indiana Association of Cities and Towns (IACT) to establish a Statewide Medical Insurance Trust for the benefit of member cities and towns that choose to participate.

The Clerk-Treasurer explained that the Trust was being chartered to be effective for January 1, 2010 and would require participating units to stay in for a minimum of three years. It was further noted that the plan was essentially the group benefit that the Town currently enjoys, underwritten by United Health Care. It was noted that it was likely that

the Town would only see a five to six percent increase over the current year's premiums and that the cost increase trends could be better controlled in the Trust. The trust authors noted that it unlikely that any annual increase would exceed 10% and it was more likely to be between 4-6%. It was further reported that the co-pays were lower in the proposed Trust plan with United Health Care than those currently paid.

The Clerk-Treasurer recommended that that the Town Council enroll in this plan as a means of controlling the costs trends that the municipality has been challenged by in recent years for group medical insurance. Commander Georgeff, had attended the briefing made by representatives from IACT and the proposed Trust along with the Clerk-Treasurer and the Deputy Clerk-Treasurer. Commander Georgeff spoke favorably of the plan and believed it a desirable policy choice.

It was noted that the Agreement and the Declaration of Trust would be taken up at the meeting of October 12, 2009. The Town Attorney was provided the agreement for his review.

There being no further business to consider, the Study Session following the regular business meeting of the Highland Town Council of Monday, September 28, 2009 was adjourned at 8:24 p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer